IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14553 of 2005

Between:

Waheed Khan, S/o. Late Ahmadulla Khan,
ENo.2000927, of APSRTC, Faluknama Depot,
R/o. H.No. 19-2-11/29/B, Chandulal, Baradari, Hyderabad.

..... PETITIONER

AND

The Depot Manager, APSRTC, Falaknuma Depot, Engine Bowli,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in removing the petitioner from his service vide order No.E2/1(03)-2005, dt. 18-6-2005 without conducting enquiry on the charge-sheet No E2/1(03)/2005, FM, dt. 19-01-2005, and conducting exparte enquiry on so called charge sheet No. E2/1(03)/2005, Dt. 1-3-2005, which was not served to the petitioner is as illegal, unjust contrary to law and violation or principles of natural justice by granting all consequential benefits and setting a side the removal order No E2/1/(03) -2005, FM,dt.18-6-2005 and pass such other order or orders.

Counsel for the Petitioner: MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order dated 18.06.2005 passed by the respondent, under which, the petitioner was removed from service.

2. According to the petitioner, he is working as a driver in the respondent-Corporation. He was charge sheeted for unauthorized absenteeism and two charge sheets dated 19.01.2005 and 07.03.2005 were issued. But, however, the petitioner was served with charge sheet dated 19.01.2005 only and the charge sheet dated 07.03.2005 was not served on him. It is stated that though he sought for serving of a copy of the charge sheet dated 07.03.2005, the same was not furnished to him. Thereafter, an Enquiry Officer was appointed for conducting enquiry. The Enquiry Officer conducted an *ex parte* enquiry and basing on the said *ex parte* enquiry report, the impugned order was passed by the respondent. Hence, the present writ petition.

3 . At the time of hearing, the learned counsel for the petitioner reiterated the contentions and when a question is posed from the Bench as to why he could not go in appeal, which is provided under the provisions of the APSRTC Employees (Conduct) Regulations, 1963, he only contended that as the charge sheet dated 07.03.2005 was not served on the petitioner, he could not participate in the enquiry. Therefore, he seeks to set aside the impugned order.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

5. On a perusal of the impugned order dated 18.06.2005, under which, the petitioner was removed from service, it does not refer to any charge sheet dated 07.03.2005 but it refers only the charge sheet dated 19.01.2005 and the enquiry report submitted by the Enquiry Officer. As the petitioner has got an effective alternative remedy of appeal before the appellate authority, the writ petition is disposed of directing the petitioner to avail the remedy of appeal available before the appellate authority.

6. The writ petition is accordingly disposed of at the admission stage.

S.Ananda Reddy, J

Date: 11.07.2005

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To

1. The Depot Manager, APSRTC, Falaknuma Depot, Engine Bowli, Hyderabad.

2. Two CD Copies